

## **Vegetation Management** *(proposed new section)*

### **(A) Policy**

Vegetation within the Lakeshore Protection Zone serves as a biological and aesthetic component of the lake and lakeshore, including providing habitat for native fish and wildlife species, reducing the likelihood of erosion, and helping to reduce runoff and pollutant loads. Vegetation shall consist of a diversity of healthy, native tree, shrub, and grass species that vary in height.

#### Note: new definitions to consider:

Native plants: Plants that are regional in regards to climate, soils, acidity or alkalinity, insect damage, diseases, and symbiotic coexistence with other plants in the surrounding area. These plants typically do not require soil additives, frequent watering, chemicals, fertilizers, pesticides, insecticides, fungicides, etc. and some native vegetation may be less attractive to browsing wildlife.

Lawn: Vegetation commonly consisting of a mixture of grasses such as kentucky bluegrass, fescue, or perennial rye that is maintained and periodically mowed for cosmetic purposes. New lawns cannot be established and existing lawns may not be expanded.

### **(B) Allowances**

Limited vegetation removal may be allowed by a Lakeshore Construction Permit as follows:

- (1) All vegetation removal activities must occur as part of an overall plan associated with working in the Lakeshore Protection Zone and maintaining the zone to promote the Policy outlined by sub-section (A) above.
- (2) Dead, diseased, or damaged vegetation may be removed if it is to be replaced as part of the project. Often, certain types of dead trees provide valuable wildlife habitat and nesting opportunities, and should be left in place unless they create a safety hazard to people, structures, or property.
- (3) Lawn, non-native vegetation, or other landscaping may be removed and replaced with native vegetation.
- (4) Defensible space around structures may be created or maintained in compliance with state- or nationally-recognized standards or as recommended by the local fire department.
- (5) View corridors may be created or maintained as outlined in sub-section (C) below.
- (6) Previously modified or actively eroding slopes may be restored and re-vegetated.
- (7) Vegetation may be removed to maintain a healthy wooded area or to thin an overgrown or unhealthy woodland area.
- (8) Soils may be cultivated or tilled in preparation for the planting of seeds and vegetation.

- (9) Other projects may be allowed on a case-by-case basis provided the activities comply with Section \_\_\_\_\_ "Policy Criteria for Issuance of a Permit".
- (C) General Requirements  
Activities associated with the removal of vegetation shall require a Lakeshore Construction Permit and meet the following requirements:
- (1) Vegetation that must be removed shall generally be felled away from the lake unless circumstances prohibit such activities.
    - (a) If vegetation must be felled into the lake, such activities should be planned for when the lake water level is at the lowest level for the year.
    - (b) All material and debris that enters the lake or lakebed shall be removed immediately.
  - (2) All stumps shall be cut or ground off at, near (no deeper than 6-inches), or above ground level within the Lakeshore Protection Zone.
  - (3) All sub-surface roots located within the Lakeshore Protection Zone shall remain in place to help secure the soil.
  - (4) The pruning of live tree branches is permitted provided that at least two-thirds of an individual tree's natural upper canopy is maintained.
  - (5) Thinning trees (not clearing) for view shed purposes is allowed if a healthy lakeshore is maintained with diverse native vegetation.
  - (6) Clearing a view corridor of the tree canopy is limited to no more than 25 percent of the entire length of the shoreline of a property or 30-feet, whichever is less. Where trees are to be removed for view shed purposes, they shall be replaced with a variety of shrubs, native grasses, or other vegetative and/or permitted ground cover.
- (D) If re-development is occurring within the Lakeshore Protection Zone and the zone contained little or no native vegetation, or if it had grandfathered lawn or nonnative vegetation prior to construction, once the vegetation is removed or destroyed it must be replaced with native vegetation.
- (E) New plants introduced into the Lakeshore Protection Zone must be native to the respective surrounding area or be cultivars whose form, color, texture, and character approximates that of natives. More information regarding native plants may be obtained by contacting the Lake County Planning Department, the local Conservation District or Montana State University Extension Office, or the Montana Native Plant Society Flathead Chapter. Although native plants may require a longer time period to become established, once established they save time and money by eliminating or significantly reducing maintenance and watering, their deeper root zones help to more effectively stabilize soils and minimize erosion, and they are less likely to become invasive.
- (F) New topsoil in the Lakeshore Protection Zone may be allowed in quantities necessary for establishing new plantings provided weeds and weed seeds have been removed. Soils around plantings shall be secured through the use of such methods as mulch, straw, mats, etc. until they become stabilized. If mulches are used, they

must be of a sufficient size to be held in place to minimize the amount being washed into the lake.

- (G) Watering activities occurring within the Lakeshore Protection Zone are allowed without a Lakeshore Construction Permit but are limited to watering required for the establishment of new vegetation or to sustain existing vegetation during periods of drought. Watering by hand or through the use of a soaker hose helps to minimize erosion. Sprinkler systems with exposed spray heads are prohibited in the Lakeshore Protection Zone.
- (H) Native grasses may be mowed or cut back no more than twice per year (without a Lakeshore Construction Permit), preferably in the fall or late winter, to help maintain health and productivity.
- (I) Grandfathered lawns that existed prior to the establishment of the Lakeshore Protection Regulations, may be maintained by mowing (without a Lakeshore Construction Permit), but may not be treated with any chemicals, fertilizers, pesticides, insecticides, or herbicides.
- (J) The application of chemicals, fertilizers, pesticides, insecticides, fungicides, or herbicides is prohibited in the Lakeshore Protection Zone. Under extreme cases, a variance may be granted allowing chemicals, fertilizers, pesticides, insecticides, fungicides, or herbicides to be applied within the Lakeshore Protection Zone provided a Lakeshore Construction Permit Application is submitted outlining a treatment plan created by a licensed applicator. At a minimum, the treatment plan is required to be developed or approved by a licensed applicator and the plan must include the types of chemicals that will be used, the frequency of application, estimate of the dates when the activities will occur, and information demonstrating that the work will be conducted by a licensed applicator. The governing body reserves the right to require that the landowner demonstrate compliance with any other laws or regulations with respect to such activities.
- (K) All applications involving work or alterations that will disturb or destroy vegetation located within the Lakeshore Protection Zone shall include a vegetation protection plan and/or a vegetation design plan, as applicable.
  - (1) The vegetation protection plan must include a description of the existing vegetation and the methods by which the vegetation will be preserved, protected, and maintained. The plan must include scaled sketches showing the locations, sizes, and densities of the different types of vegetation, sloped areas, and locations of all storm water runoff control measures, erosion control devices, and other best management practices (BMPs) to demonstrate compliance with the vegetation requirements.
  - (2) The vegetation design plan must include a description of the existing and proposed vegetation and the methods by which the vegetation will be installed and maintained. The plan must include scaled sketches showing the locations, sizes, and densities of the different types of existing and proposed

vegetation, sloped areas, and locations of all stormwater runoff control measures, erosion control devices, and other best management practices (BMPs) to demonstrate compliance with the vegetation requirements.

Note: other new definitions to consider:

Vegetation protection plan:

A plan that is required to be developed if all or a portion of the vegetation located within the Lakeshore Protection Zone is in full compliance with the vegetation requirements and work or alterations are proposed that will effect the vegetation.

Vegetation design plan:

A plan that is required to be developed if all or a portion of the vegetation located within the Lakeshore Protection Zone is not in compliance with the vegetation requirements and work or alterations are proposed that will effect the vegetation or re-vegetation is required.

Note: Vegetation-related features that are items to potentially add to Section 3-6 “Construction or Activities NOT Allowed in the Lakeshore Protection Zone”:

- New orchards
- Rain gardens
- Establishment of a new lawn including non-native grass seeding, placement of sod, or the routine maintenance or cosmetic mowing of native grasses for a lawn.
- Application of chemicals, fertilizers, pesticides, insecticides, fungicides, or herbicides.

Note: new definition to consider:

Rain garden:

A shallow depressed area consisting of conditioned soil topped with a layer of mulch or high carbon soil layer and vegetation tolerant of short-term flooding, which is designed to retain, filter, and treat stormwater.